

HOUSE BILL 2105  
By Pruitt

AN ACT relative to appointments to certain boards, commissions, councils and committees to achieve minority and gender balance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. (a) It is the intent of the legislature to recognize the importance of balance in the appointment of minority and non-minority persons to membership on statutorily created decision-making and regulatory boards, commissions, councils, and committees, and to promote that balance through the provisions of this act. Furthermore, the legislature recognizes that statutorily created decision-making and regulatory boards, commissions, councils, and committees play a vital role in shaping public policy for Tennessee, and the selection of well-qualified candidates is the paramount obligation of the appointing authority.

(b) As used in this act, "minority person" means:

(1) An African American; that is, a person having origins in any of the racial groups of the African Diaspora.

(2) A Hispanic American; that is, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race.

(3) An Asian American; that is, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands prior to 1778.

(4) A native American; that is, a person who has origins in any of the Indian Tribes of North America prior to 1835.

(5) An American woman.

(c) In appointing members to any statutorily created decision-making or regulatory board, commission, council, or committee of the state, the appointing authority should select, from among the most qualified persons, those persons whose appointment would ensure that the membership of the board, commission, council, or committee accurately reflects the proportion that each group of minority persons specified in subsection (b) represents in the population of the state as a whole, or, in the case of a local board, commission, council, or committee, in the population of the area represented by the board, commission, council, or committee, as determined pursuant to the most recent federal decennial census, unless the law regulating such appointment requires otherwise, or persons of the under-represented minority group cannot be recruited. If the size of the board, commission, council, or committee precludes an accurate representation of all minority groups, appointments should be made which conform to the requirements of this act insofar as possible. If there are multiple appointing authorities for the board, commission, council, or committee, they shall consult with each other to assure compliance with this act.

(d) Each appointing authority described in subsection (c) shall submit a report to the secretary of state annually by December 1 which discloses the number of appointments made during the preceding year from each minority group and the number of non-minority appointments made, expressed both in numerical terms and as a percentage of the total membership of the board, commission, council, or committee. A copy of the report shall be submitted to the governor, the speaker of the house of representatives, and the speaker of the senate. In addition, each appointing authority shall designate a person responsible for retaining all applications for appointment who shall ensure that information describing each applicant's race, ethnicity, gender, and qualifications is available for public inspection during reasonable

hours. Nothing in this act requires disclosure of an applicant's identity or of any other information made confidential by law.

(f) This act applies to appointments and reappointments made after the effective date of this act. It does not prohibit a member of a decision-making or regulatory board, commission, council, or committee from completing a term being served as such member when this act takes effect. A person appointed to a decision-making or regulatory board, commission, council, or committee before the effective date of this act may not be removed from office solely for the purpose of meeting the requirements of this act.

SECTION 2. This act shall take effect July 1, 1996, the public welfare requiring it.

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